

EXHIBIT B

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
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SMARTMATIC USA CORP.,
INTERNATIONAL HOLDING B.V. and
SGO CORPORATION LIMITED,

Plaintiffs,

vs.

MICHAEL J. LINDELL and MY PILLOW, INC.,

Defendants.
-----X
Case no. 22-cv-00090-WMW-JFD

VIDEOTAPED DEPOSITION
OF
ROGER ALEJANDRO PINATE MARTINEZ
WEDNESDAY, SEPTEMBER 13, 2023
HELD REMOTELY

Reported by:
CANDIDA BORRIELLO
JOB NO. 6099322

1 DATE: SEPTEMBER 13, 2023

2 TIME: 9:21 a.m. (Eastern Time)

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5 Deposition of ROGER ALEJANDRO PINATE
6 MARTINEZ, held at Thompson Reporters,
7 521 5th Avenue, New York, New York 10175,
8 before Candida Borriello, Court Reporter
9 and Notary Public of the State of New York.
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1 A P P E A R A N C E S:

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3 BENESCH LAW

Attorneys for Plaintiffs

4 71 South Wacker Drive
Suite 1600

5 Chicago, Illinois 60606

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10 Attorneys for Defendants

11 123 North 3rd Street
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Minneapolis, Minnesota 55401

12 BY: JOSEPH PULL, ESQ.

EMAIL:pull@parkerdk.com
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14

15 ALSO PRESENT:

16 PAUL BAKER, Videographer

17 LAUREANO SUAREZ, Spanish Interpreter

18 COLIN FLANNERY, Esq.

Smartmatic In-House Counsel
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1 THE VIDEOGRAPHER: Good
2 morning. We are going on the record
3 at 9:21 a.m. Eastern Daylight Time on
4 Wednesday, September 13, 2023.

5 Please note that the
6 microphones are sensitive and may
7 pick up whispering and private
8 conversations.

9 This is media unit 1, case
10 caption Smartmatic USA Corporation,
11 et al. versus Lindell, et al.

12 This deposition is being held
13 at 521 Fifth Avenue, New York, New
14 York.

15 Will the witness please state
16 their full name for the record.

17 THE WITNESS: My name is Roger
18 Alejandro Pinate Martinez.

19 THE COURT REPORTER: I didn't
20 even understand the first name.

21 THE WITNESS: Roger.

22 THE COURT REPORTER: Royer?

23 THE WITNESS: Roger, R-O-G-E-R.

24 HE COURT REPORTER: Roger.
25 Last name.

1 THE WITNESS: Pinate,
2 P-I-N-A-T-E.

3 THE COURT REPORTER: Thank you.

4 THE WITNESS: When I was asked
5 on the record, the English is not my
6 primarily language, it is not my
7 mother language. So, for
8 clarification to be patient with me,
9 sometime I need to rephrase and
10 support from the interpreter.

11 Thank you.

12 THE COURT REPORTER: I'm sorry.
13 This is going to be an issue. For
14 me, the accent is thick. I don't
15 know about anybody else, maybe
16 because you're familiar with the
17 accent, but I'm struggling and we
18 didn't start yet.

19 THE VIDEOGRAPHER: Let's --
20 should we go off the record?

21 MR. PULL: Yes, let's go off
22 the record.

23 THE VIDEOGRAPHER: The time is
24 9:22 a.m.

25 (Off the record.)

1 THE VIDEOGRAPHER: The time is
2 9:24 a.m. We are back on the record.

3 May I please have an
4 introduction from counsel beginning
5 with the noticing attorney?

6 MR. PULL: I'm Joseph Pull of
7 Parker, Daniels, Kibort representing
8 the defendants.

9 MR. CONNOLLY: Erik Connolly on
10 behalf of Smartmatic.

11 MS. WARD: Jamie Ward on behalf
12 of Smartmatic.

13 MR. FLANNERY: Colin Flannery,
14 general counsel of Smartmatic.

15 THE VIDEOGRAPHER: Will the
16 court reporter please swear in the
17 interpreter.

18 L A U R E A N O S U A R E Z, a Spanish
19 interpreter, solemnly swore to translate the
20 following questions from English to Spanish and
21 answers from Spanish to English:

22 R O G E R A L E J A N D R O P I N A T E
23 M A R T I N E Z,

24 called as a witness, having been
25 duly sworn by a Notary Public,

1 was examined and testified as
2 follows:

3 MR. PULL: Can you identify
4 yourself for the record?

5 THE INTERPRETER: Sure. Last
6 name is Suarez, S-U-A-R-E-Z, first
7 name is Laureano, L-A-U-R-E-A-N-O.
8 I'm a certified interpreter in the
9 State of New York.

10 MR. PULL: Thank you, sir.
11 Before I begin the questions, I'd
12 like to put on the record that at
13 approximately 9:00 p.m. Central Time
14 last night, which was 10:00 p.m.
15 Eastern Time here in New York, the
16 defendants received a communication
17 from plaintiffs substantially
18 modifying the plaintiff's position on
19 the 30(b)(6) topics.

20 As a result of that change, we
21 are not willing to move forward with
22 the 30(b)(6) deposition at this time.
23 We need time to digest that change
24 and make adjustments accordingly and
25 we will be asking plaintiffs to

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1 reschedule the 30(b)(6) portion of
2 this deposition.

3 MR. CONNOLLY: This is Erik
4 Connolly.

5 The plaintiff did not make any
6 substantial changes to the real
7 30(b)(6) topics. We actually
8 identified the individuals
9 specifically who would be covering
10 the topics from the list already
11 provided. We will oppose any
12 rescheduling of the rule of 30(b)(6).

13 MR. PULL: Thank you, Counsel.
14 We will proceed then with Mr.
15 Pinate's deposition in his personal
16 capacity today. So, that is where
17 I'm going to begin.

18 (This deposition is not being
19 interpreted unless otherwise noted on
20 the record.)

21 EXAMINATION BY

22 MR. PULL:

23 Q. Mr. Pinate, am I pronouncing
24 that right?

25 A. That's correct, sir.